

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 96-40258  
Conference Calendar

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JOHN WESLEY WRIGHT,

Petitioner-Appellant,

versus

GARY L. JOHNSON, DIRECTOR,  
TEXAS DEPARTMENT OF CRIMINAL JUSTICE,  
INSTITUTIONAL DIVISION,

Respondent-Appellee.

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 6:95-CV-691  
- - - - -

August 20, 1996

Before KING, DUHÉ, and DeMOSS, Circuit Judges.

PER CURIAM:\*

John Wesley Wright, state prisoner #573951, appeals from the dismissal of his habeas corpus petition for abuse of the writ pursuant to Rule 9(b) of the Rules Governing Section 2254 Cases. He argues that he had no knowledge of the present issues at the time he filed his first habeas corpus petition because he had not

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

yet obtained and reviewed the statement of facts from his trial. We have reviewed the record and the brief and find no abuse of discretion. We AFFIRM the district court's dismissal of the petition for essentially the same reasons set forth by the district court. See Wright v. Johnson, No. 6:95-CV-691 (E.D. Tex. Dec. 12, 1995).

AFFIRMED.